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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,511	09/30/1999	DARRELL SHIVELY	CISCO-1372	6966

7590 03/27/2003

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/410,511

Applicant(s)

SHIVELY ET AL.

Examiner

Douglas B Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Claims 1-50 are currently pending in this application.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2, 13, 17, 18, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 1, 13, and 17-18 recite the limitation "the entry" in the last limitation of each claim. There is insufficient antecedent basis for this limitation in the claims.

5. As to claim 2, it is unclear how the "UIV of the cleared entry" and the "UIV of the new user" are different therefore the limitations of decrementing and incrementing the counter are contradictory.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-18 and 29-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,412,007 to Bui et al. in view of U.S. Patent Number 6,252,878 to Locklear, Jr. et al..

8. As to claim 17, Bui teaches a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for a max sessions server of a data communications network keeping a count of the sessions used at a given time by a group of users (col. 5, lines 66-67 and col. 6, lines 1-11), said method comprising: assigning unique identification values to each user logged in at a port of a network access server (col. 11, lines 50-67 and col. 12, lines 1-5); maintaining a master list of unique identification values associated with logged in users and their respective group identification information (Figure 8); responding to a new user's attempt to log into the data communications network by checking to see if the unique identification value of the new user is already in the master list, and if it is, clearing the entry in the master list and entering the new user's unique identification value and group identification information in the master list (col. 23, lines 50-63); however Bui does not explicitly teach a method to compensate for abnormal disconnections.

Locklear teaches a method to correct a count for to compensate for abnormal disconnections of users belonging to a group (col. 5, lines 59-67 and col. 6, lines 1-4, A malfunction can be considered an abnormal disconnection.).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Locklear regarding correcting a count to compensate for abnormal disconnections with the teachings of Bui regarding a server for keeping track of sessions because both inventions deal with systems for regulating user sessions

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9. As to claim 1, it is rejected on the same basis as claim 17 because the method of claim 1 is identical to the method claimed in claim 17.

10. As to claim 2, Bui teaches a method wherein responding comprises decrementing a counter associated with a group associated with the unique identification value of the cleared entry; and incrementing a counter associated with a group associated with the unique identification value of the new user (col. 12, lines 60-67 and col. 13, lines 1-3).

11. As to claim 3, Bui teaches a method comprising rejecting a new user's attempt to log in to the data communications network if the log in would cause a counter associated with a group to which the new user belongs to exceed a predetermined number of maximum sessions (col. 22, lines 12-54).

12. As to claim 4, it has the same limitation as claim 3 and is rejected on the same basis as claim 3.

13. As to claim 5, Bui teaches a method comprising allowing a new user's attempt to log into the data communications network if the log in would not cause a counter associated with a group to which the new user belongs to exceed a predetermined number of maximum sessions (col. 22, lines 12-54).

14. As to claim 6, it has the same limitations as claim 5 and is thus rejected on the same basis as claim 5.

15. As to claim 7, Bui teaches a method wherein assigning identifications includes forming a unique identification value from port identification associated with the port and from network access server identification associated with the network access server (col. 12, lines 60-67 and col. 13, lines 1-3).

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16. As to claims 8-12, they have same limitation as claim 7 and are thus rejected on the same basis as claim 7.

17. As to claim 13, it is rejected on the same basis as claim 17 because the method of claim 13 is identical to the method claimed in claim 17 and server sessions can be considered a resource.

18. As to claim 14, it has the same limitation as claim 2 and is thus rejected on the same basis as claim 2.

19. As to claims 15 and 16, they have the same limitation as claim 7 and are thus rejected on the same basis as claim 7.

20. As to claim 18, it is rejected on the same basis as claim 17 because claim 17 has narrower limitations than claim 18 (Sessions by the user can be considered a resource.).

21. As to claim 29, Bui teaches a system for a max sessions server keeping a count of the sessions used at a given time by a group of users (col. 5, lines 66-67 and col. 6, lines 1-11), said system comprising: a max session server (col. 11, lines 50-67 and col. 12, lines 1-5); database maintained by the said max sessions server including for each user logged into the data communications system through the max sessions server (col. 18, lines 37-53), the user belonging to a group (col. 5, lines 66-67 and col. 6, lines 1-11), a unique identification value associated with the user's connection to the data communications network through a particular port of a particular network access server for the data communications network (col. 11, lines 50-67 and col. 12, lines 1-5), and group identification information associated with the user (col. 5, lines 66-67 and col. 6, lines 1-11); a checker to compare each new log in request directed to the max sessions server with the contents of said database to determine if a unique identification

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value of the new log in request matches an existing unique identification value in the database (col. 19, lines 24-48); and a clearer to clear existing information in the database associated with said unique identification value if said checker determines that a unique identification value in the database is the same as the unique identification of a new log in request (col. 19, lines 60-67 and col. 20, lines 1-6); however Bui does not explicitly teach that the system is for handling abnormal disconnections.

Locklear teaches a system to correct a count for to compensate for abnormal disconnections of users belonging to a group (col. 5, lines 59-67 and col. 6, lines 1-4, A malfunction can be considered an abnormal disconnection.).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Locklear regarding correcting a count to compensate for abnormal disconnections with the teachings of Bui regarding a server for keeping track of sessions because both inventions deal with systems for regulating user sessions.

22. As to claim 30, Bui teaches a system comprising a counter keeping a count of sessions used by a group of users (col. 12, lines 60-67 and col. 13, lines 1-3).

23. As to claim 31, Bui teaches a system comprising an incrementer incrementing a counter for each new log in by a member of a group of users (col. 12, lines 60-67 and col. 13, lines 1-3).

24. As to claim 32, Bui teaches a system comprising a decrementer decrementing a counter for each disconnection of a member of a group of users (col. 12, lines 60-67 and col. 13, lines 1-3).

25. As to claim 33, Bui teaches a system comprising rejecting a new user's attempt to log in to the data communications network if the log in would cause a counter associated with a group

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to which the new user belongs to exceed a predetermined number of maximum sessions (col. 22, lines 12-67).

26. As to claim 34, Locklear teaches a system comprising a network access server checker checking a network access server associated with a maximum sessions server to determine if it has become non-operational (col. 13, lines 18-28); and a broken network access clearer clearing existing information in the database associated with a network access server if said network access server checker determines said network access server to be non-operational (col. 5, lines 59-67 and col. 6, lines 1-4).

27. As to claim 35, Bui teaches a system comprising a transmitter transmitting a communication to another maximum sessions server on the data communications network to inform it of the non-operational status of a network access server (col. 25, lines 60-67 and col. 26, lines 1-8).

28. As to claim 36, Locklear teaches a system comprising a receiver receiving communications over the data communications network informing of a non-operational network access server (col. 5, lines 59-67 and col. 6, lines 1-4).

29. As to claim 37, Locklear teaches a system comprising a broken network access server clearer clearing existing information in the database associated with a network access server if said receiver is informed of the non-operational status of said network access server (col. 5, lines 59-67 and col. 6, lines 1-4).

30. As to claim 38, it is rejected on the same basis as claim 29 because claim 29 has narrower limitations than claim 38 (Sessions by the user can be considered a resource.).



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31. As to claims 39-41, they have the same limitations as claims 30-32, respectively, and are thus rejected on the same basis as claims 30-32.

32. As to claims 42-45, they have the same limitations as claims 34-37, respectively, and are thus rejected on the same basis as claims 34-37.

33. Claims 19-28 and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,412,007 to Bui et al. in view of U.S. Patent Number 6,252,878 to Locklear, Jr. et al. and U.S. Patent Number 6,151,688 to Wipfel et al..

34. As to claim 27, Bui teaches a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for a sessions server of a data communications network keeping a count of the sessions used at a given time by a group of users (col. 5, lines 66-67 and col. 6, lines 1-11), said method comprising: assigning unique identifications values to each user logged in at a port of a network access server (col. 11, lines 50-67 and col. 12, lines 1-5); maintaining a master list of unique identification values associated with logged in users and their respective group identification information (Figure 8); however Bui does not explicitly teach a method to compensate for abnormal disconnections or periodically checking access servers and removing identifications on non-operational servers from the master list.

Locklear teaches a method to correct a count for to compensate for abnormal disconnections of users belonging to a group; responding to the non-operational status of a network access server by removing all unique identification values associated with the non-operational network access server from said master list and decrementing the count of the

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sessions used by the number of unique identification values removed from a master list (col. 5, lines 59-67 and col. 6, lines 1-4, A malfunction can be considered an abnormal disconnection.).

Wipfel teaches a method of periodically checking a network access server to determine if it has become non-operational (col. 10, lines 35-60).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Locklear regarding correcting a count to compensate for abnormal disconnections including those of non-operational network access server with the teachings of Bui regarding a server for keeping track of sessions because both inventions deal with systems for regulating user sessions.

It would have been further obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Wipfel regarding periodically checking access servers with the teachings of Locklear and Bui regarding a system for regulating system usage because periodically checking network resources increases the ability of the network to adapt to malfunctions.

35. As to claim 19, it is rejected on the same basis as claim 27 because the method of claim 19 is identical to the method claimed in claim 27.

36. As to claim 20, Wipfel teaches a method wherein periodically checking is performed by an authentication, authorization and accounting server associated with a maximum session server (col. 10, lines 35-60).

37. As to claim 21, Bui teaches a method comprising transmitting a communication to another maximum sessions server on the data communications network to inform it of the non-operational status of a network access server (col. 25, lines 60-67 and col. 26, lines 1-21).

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38. As to claim 22, Locklear teaches a method comprising receiving a communication from another maximum sessions server (col. 5, lines 59-67 and col. 6, lines 1-4).

39. As to claims 23-26, they have similar limitations to claims 19-22 respectively and are thus rejected on the same basis as claims 19-22.

40. As to claim 28, it is rejected on the same basis as claim 27 because claim 27 has narrower limitations than claim 28 (Sessions by the user can be considered a resource.).

41. As to claim 46, Bui teaches a method comprising: maintaining a master list of unique identification numbers associated with each logged in user (Figure 8); responding to a user's attempt to log into the data communications network by checking to see if the unique identification number associated with the user is already on the master list (col. 23, lines 50-63); removing the unique identification number from the master list if said unique identification number already appears on the list; decrementing the corresponding maximum sessions counters by one of said unique identification number is already on the master list (col. 23, lines 50-63); and decrementing a max sessions counter based on lost connections (col. 11, lines 24-49); however Bui does not explicitly teach periodically checking access servers and removing list entries of deactivated servers.

Wipfel teaches a method of having a server automatically check on a periodic time basis to determine if a network access server has failed to communicate, the server notifying a session server if the network access server fails to communicate (col. 10, lines 35-60).

Locklear teaches a method of removing all unique identification numbers associated with a network access server from the master list if the network access fails to communicate within a time limit (col. 5, lines 59-67 and col. 6, lines 1-4).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Locklear regarding correcting a count to compensate for abnormal disconnections including those of non-operational network access server with the teachings of Bui regarding a server for keeping track of sessions because both inventions deal with systems for regulating user sessions.

It would have been further obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Wipfel regarding periodically checking access servers with the teachings of Locklear and Bui regarding a system for regulating system usage because periodically checking network resources increases the ability of the network to adapt to malfunctions.

**42.** As to claim 47, Bui teaches a method comprising broadcasting a network access server failure to all maximum session servers associated with a network access server (col. 25, lines 60-67 and col. 26, lines 1-21).

**43.** As to claim 48, Bui teaches a method comprising rejecting a new user's attempt to log in to the data communications network if the log in would cause a counter associated with a group to which the new user belongs to exceed a predetermined number of maximum sessions (col. 22, lines 12-67).

**44.** As to claim 49, Bui teaches a method comprising allowing a new user's attempt to log into the data communications network if the log in would not cause a counter associated with a group to which the new user belongs to exceed a predetermined number of maximum sessions allowed by the maximum sessions server for the user or the group to which the user belongs;

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incrementing the corresponding counters of number logged in sessions by one; and adding the unique identification number to the master list (col. 22, lines 12-67).

45. As to claim 50, Bui teaches a method wherein the unique identification numbers are formed by concatenation of a network access server identifier and a port identifier (col. 11, lines 50-67 and col. 12, lines 1-5).

***Conclusion***


46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair  
March 24, 2003.

DBB

  
MARK R. POWELL  
SUPERVISORY PATENT EXAMINER  
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